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Letter dated 18 September 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/394).

The Counter-Terrorism Committee has received the attached supplementary report from Andorra, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 10 September 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Andorra to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

At the request of my Government, I have the honour to transmit to you the second report to be submitted by the Principality of Andorra to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001) (see enclosure).

My Government will be happy to provide the Committee with such additional information as it considers necessary.

I should be grateful if you would arrange for the present letter and its enclosure to be circulated as document of the Security Council.

(*Signed*) Jelena **Pià-Comella**
Chargé d'affaires a.i.

Enclosure

[Original: French]

Responses to the preliminary comments and questions concerning the content of the report submitted pursuant to Security Council resolution 1373 (2001)

Andorra wishes to thank the Counter-Terrorism Committee for its attention to the report submitted on 21 December 2001 pursuant to Security Council resolution 1373 (2001).

The Andorran Government is firmly resolved to combat all forms of terrorism by all means at its disposal, as has been publicly reaffirmed on several occasions by the Head of Government, Mr. Marc Forné, and the Minister for Foreign Affairs, Mr. Juli Minoves. In this connection, it is submitting this new report in response to the comments made by the Counter-Terrorism Committee in its letter of 1 April 2002.

This new report was prepared in close collaboration with all the Ministries concerned, namely, the Ministry of Finance, the Ministry of the Interior, the Unit for the Prevention of Money-Laundering and the Ministry of Foreign Affairs.

We remain entirely at the disposal of the Counter-Terrorism Committee and will be happy to provide any additional information that may be necessary.

Subparagraph 1 (a)

Andorra reports that it has adopted a law on the protection of bank secrecy and the prevention of the laundering of money, etc., relating to proceeds of crime. Please outline the provisions of the law that enable the prevention and suppression of financing of terrorist acts as required under the subparagraph, regardless of the source of that financing.

Does Andorra propose the inclusion of financing of terrorism as a separate crime in its Criminal Code?

The 1995 law on the protection of bank secrecy and the prevention of money-laundering was abrogated by the new law on international cooperation in criminal matters and prevention of the laundering of money or securities constituting the proceeds of international crime, of 29 December 2000.

Article 41 of the law establishes its scope of application: "The term laundering offence means the fact of committing any of the acts categorized as such in the Penal Code." In this connection, **article 145** of the Penal Code provides that anyone who has committed an act intended to conceal the source of money or securities representing the proceeds of drug trafficking, kidnapping, procurement or terrorism offences, or who has used such money or securities for licit purposes but who knows or should have known the source thereof shall be imprisoned for up to eight years and pay a fine of up to 120,202.42 euros.

In addition, **article 84** of the Penal Code condemns "anyone who collects funds for the benefit of organizations or groups (...)", meaning groups or organizations that have jeopardized the security of the Principality or disturbed the peace and public order by means of arms or explosives or by committing attacks

(previous articles). As to the source of the money, the Penal Code does not distinguish in this article between funds from licit and illicit sources.

Article 83 of the Penal Code refers to money obtained by illicit means, establishing penalties for anyone who, in order to obtain funds for the benefit of the organizations or groups mentioned in the previous article, attacks property causing death or serious injury.

Even though these provisions do not mention "financing of terrorism" explicitly, they do allude to it through the use of such terms as "the collection of funds" and "obtain funds".

Thus, under **article 46** of the law on international cooperation in criminal matters and prevention of the laundering of money or securities constituting the proceeds of international crime, persons under obligation to report must report suspicious transactions or planned transactions (see paragraph 1 (a) of the first report submitted pursuant to resolution 1373 (2001)), irrespective of the country in which the suspected laundering offence was committed or may be committed and of the source or destination of the funds.

On the initiative of the Andorran General Council (Andorran parliament), a parliamentary working committee is preparing a complete revision of the Penal Code. The new text would criminalize financing of terrorism as such.

Subparagraph 1 (b)

Please outline the provisions of the Criminal Code of Andorra that criminalize the collection of funds in its territory for support of terrorism elsewhere.

Under **article 3.2** of the Penal Code, [Andorran] criminal law applies to offences initiated, planned or committed in Andorran territory that produce or are intended to produce effects abroad.

Thus, the collection of funds intended for the financing of terrorism is punishable under Andorran law since it may be regarded as the planning of the offence, even if the terrorist acts are committed abroad.

In addition, **article 146** of the Penal Code sanctions perpetrators who act for the purpose of making a profit or take part in associations for the purpose of committing offences or laundering money or securities representing the proceeds of offences committed abroad.

Article 147 stipulates, inter alia, that the two preceding articles (articles 146 and 145 on money-laundering) shall apply even if the main offence was committed abroad, provided that it is punishable under Andorran criminal law.

Moreover, articles 83 and 84 of the Penal Code may also be considered with respect to the collection of funds to support acts of terrorism committed outside Andorran territory. These articles punish any person who collects funds for the benefit of organizations or groups that disturb the peace and public order by means of arms or explosives or by committing attacks. In addition, the Penal Code condemns any person who, in order to obtain funds for the benefit of such organizations or groups, attacks property causing death or serious injury or commits a kidnapping.

Subparagraph 1 (c)

Subparagraph 1 (c) requires freezing of funds of all persons and entities connected with terrorism. Please explain whether the provisions of articles 38 and 47 of the Penal Code referred to in the report cover the requirements of this subparagraph.

Please explain how the reservations entered into by Andorra in relation to criminal offences connected with money-laundering would affect the requirements of this subparagraph.

Article 38 of the law on international cooperation in criminal matters and prevention of the laundering of money or securities constituting the proceeds of international crime provides for international legal cooperation in connection with requests made by foreign authorities for confiscation of instruments used to commit an offence, the proceeds, money, securities or goods obtained therefrom or their counterpart, as referred to in article 147 of the Penal Code, or the proceeds, money, securities or goods obtained from any other serious offence. The request is submitted by the Government Procurator to the *Tribunal de Corts*, which, after hearing the interested parties, makes an order as to whether the request may be the subject of an appeal before the High Court of Justice.

The Court may neither revise nor alter the foreign confiscation decision, but it must, however, rule on claims by bona fide third parties that have not been resolved in the aforementioned decision.

The same procedure is generally applicable, either automatically or at the request of the requesting State, in the case of goods, money or securities constituting the proceeds of any criminal offence, the lawful owner of which has not been identified.

Article 47 of the same law provides that the Unit for the Prevention of Money-Laundering may provisionally block a transaction if it considers such action to be justified by the evidence. In order for this to take place, the declaration must be made prior to the execution of the suspicious financial or economic transaction by the person under obligation to report.

The transaction may not be blocked for more than five days, the maximum time limit within which the Unit is required by law to lift the block and authorize the execution of the transaction if the evidence is inaccurate or, if this is not the case, to transmit the action to the Government Procurator. In all cases, whether or not the transaction is executed, the declaration must be accompanied by all the information relating to the transaction or transaction request. The person under obligation to report must transmit to the Unit for the Prevention of Money-Laundering any new information of which he or she becomes aware that may affect the evaluation of the transaction declared.

In reference to this article, the Unit may block a transaction that has been declared suspicious and transmit the files to the Government Attorney's Office subsequently if there is evidence of laundering offences. The Office decides, in conjunction with the judge, whether to maintain the block or to lift it.

In addition, **article 4** of the law on international cooperation in criminal matters and prevention of the laundering of money or securities constituting the

proceeds of international crime stipulates that international legal cooperation and, consequently, requests [for assistance] shall be accepted, provided that:

(a) The proceedings abroad conform with the constitutional principles of the Principality in respect of the rights and freedoms guaranteed in chapter II of the Constitution;

(b) The measure requested does not conflict with the fundamental principles of the Andorran legal system;

(c) There are no substantial grounds for believing that the proceedings have been instituted against a person on account of his or her political opinions, social origin, race, religion or nationality;

(d) All the offences giving rise to the letters rogatory are punishable as criminal offences under Andorran law;

(e) The person who is the subject of the request has not been sentenced to imprisonment in the Principality and served his or her sentence or been acquitted in Andorra of the same offences;

(f) The acts giving rise to the request are not of a political nature and the request does not have a political end;

(g) The acts giving rise to the request, while they constitute an offence under Andorran law, are of sufficient importance to justify the intervention of the Andorran courts;

(h) The communication of the information does not undermine the sovereignty, security, public order or other basic interests of the Principality.

As to the reservations entered into by Andorra on its accession to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, these specify that the Convention shall apply to criminal offences or categories of criminal offences established in Andorran domestic law concerning the laundering of money or securities representing the proceeds of crime. In this connection, the Andorran Penal Code establishes five criminal offences or categories of criminal offences in relation to money-laundering which are as follows: drug trafficking, kidnapping, the illegal sale of arms, procurement and terrorism (**article 145**).

Subparagraph 1 (d)

Could Andorra please indicate whether there are any regulations governing alternative money transfer agencies?

What penalties would be imposed on (a) an association and (b) the members of the association if they violated the law regulating associations, particularly in regard to the end use of the association's funds?

In alternative or informal systems, money or securities are moved through channels outside the financial system, with the funds or goods being payable as cash in another country. Such alternative systems are usually used by particular ethnic or national groups, or other organized groups.

Because associations in the Principality of Andorra are restricted and tightly controlled, this high-risk practice has never developed, and there are no informal fund-transfer systems or alternative money-transfer agencies.

However, any natural or legal person providing such financial services without the appropriate authorization would be committing a serious administrative offence, under article 15 of the act of 27 November 1997 regulating disciplinary arrangements for the financial system and would incur a penalty under article 18 of that act (a fine of 150,000 to 300,000 euros and temporary or permanent restriction of the establishment's operation). The same natural or legal person would also be committing a criminal offence under article 141 bis of the Penal Code, which carries a sentence of up to five years' imprisonment and a fine of up to 150,000 euros. If the financial activities have involved a legal person, that legal person may incur the additional penalty of being forcibly dissolved.

The act of 19 December 1996 on the terms of operation of the financial system establishes which entities make up that financial system, and defines the activities which each of them can undertake, subject always to the authorization and regulation of the appropriate administering body. Article 9 (a) prohibits non-banking financial institutions from accepting routine deposits or other repayable funds from the public, as that is the function of a bank.

The current composition of the Andorran financial system is as follows:

Banking establishments:	six authorized establishments
Non-banking specialist credit financial establishments:	
– specializing in mortgage loans:	none accredited
– specializing in forward sales:	1 accredited
– specializing in leasing:	none accredited
– specializing in factoring:	none accredited
Investment-related financial establishments:	
– financial establishments managing assets:	5 accredited
– financial establishments managing investment bodies:	3 accredited
– financial establishments promoting venture capital:	none accredited
Financial establishments providing miscellaneous services:	
– currency-exchange institutions:	none accredited
– institutions providing financial advice:	none accredited
– financial intermediation institutions:	none accredited

Regulation of the Andorran financial system began in 1989 with the act establishing the Andorran National Financial Institute (INAF), which oversees and monitors the financial system (prior to that, the financial sector had been self-regulating, through a code of conduct based on the Basel principles and the various international conventions and standards for combating money-laundering).

Once INAF had been set up and was in operation, an act on provisional measures ordering and regulating the financial sector was adopted (28 April 1993); it was subsequently amended by the act on the terms of operation of the financial system of 1996. It stipulated that until such time as an act regulating the financial system was adopted, no new financial entity could be placed on the Administrative Registers, in other words, no such entity could be established. In November 1993, the act regulating the financial system was adopted. It stipulated, inter alia, that all financial activities must be conducted through a legal person, and that until such time as a specific act setting the minimum reserves for each type of activity was adopted, no accreditation would be issued. So far, only the texts regulating banking activity have been adopted, and it should be pointed out that no new banking institutions can currently be licensed. This means that the financial system is closed at the moment. Only subsidiaries of banks have been authorized, since the legal texts require certain activities to be separated off.

This situation explains why Andorra in practice has only some of the non-banking financial activities which are typical of the average financial system.

(The acts regulating the Andorran financial system can be found at http://www.inaf.ad).

With regard to associations, the qualified act on associations of 29 December 2000 seeks to develop the freedom of association recognized in the Andorran Constitution of 1993, and to regulate associations in general, without affecting special legislation governing specific associations.

For the purposes of the act, an association is any voluntary group of three or more persons who seek, by means which are not in violation of the law, to attain a legitimate, non-profit goal.

Associations governed by this act may engage in economic activity provided that they operate within the bounds of their statutes and do not seek, whether explicitly or implicitly, to generate profits to be divided among their members.

Because it is not a criminal statute, the act cannot punish associations or members of associations, but administrative penalties may be applied.

However, article 1.2 of the act stipulates that the aims of all associations must be legitimate and non-profit. Article 29 of the act stipulates that associations receiving public grants must account for the use of those grants to the body which paid them. Associations may in addition be dissolved by a final decision of a court, under the terms laid down in articles 100, 146 and 82, 83 and 84 of the Penal Code.

Article 100 makes it illegal to form an association of two or more people to plot or commit a crime.

Article 23 of the associations act imposes responsibilities on associations and the members of their general meetings. Accordingly, associations are held accountable for what they do and what they fail to do with all their assets and rights, present and future. The members of the general meeting are answerable to the association, associates and third parties for any action they take in the performance of their duties that is contrary to the law or to the association's statutes, and for damages and compensation resulting from wilful deception or negligence. In addition, the members of the general meeting have joint and several responsibility for actions agreed on collectively, unless they have declared their opposition thereto.

Joint and several responsibility also applies if the action or failure to act cannot be attributed to one or more of those members individually and exclusively.

Subparagraph 2 (a)

Please outline the provisions of the Penal Code that make it an offence to recruit persons in Andorra to terrorist groups outside Andorra.

Articles 3.2 and 4 of volume 1 of the Penal Code (relating to the application of penal law) stipulate that it applies to offences initiated, planned or committed within Andorra which produce or are intended to produce effects abroad, and to offences committed abroad which extend to Andorra. Andorran courts also have jurisdiction over complex offences if any one constituent element of those offences has been committed in Andorra. Recruitment of persons in Andorra to terrorist groups outside Andorra can be considered to be a component of the offences covered by articles 82, 85, 86 and 87 of the Penal Code (anyone who, individually or as part of an organization or group jeopardizes the security of the Principality or disturbs the peace and public order by means of arms or explosives or by committing attacks; anyone who provides the members of such organizations or groups with accommodation or any other resources; anyone who supplies or procures weapons or explosives for terrorists or armed groups; anyone who tries to justify the offences or the organizations or groups in question).

Subparagraph 2 (b)

The CTC would be grateful to know when Andorra plans to become party to the European Convention on Mutual Assistance in Criminal Matters.

The European Convention on Mutual Assistance in Criminal Matters is a priority for the Government of Andorra for this year, and the accession process has already begun.

On 22 May 2002, the Minister for Foreign Affairs presented to the Council of Ministers the case for Andorra's accession to the Convention. At that point, the ministers involved began the process of compiling legal reports to examine whether or not there was any conflict between domestic Andorran law and the provisions of the Convention, so that if any such conflict was found, the necessary amendments could be determined. In their reports, the ministers were to analyse what practical steps would have to be taken to implement the commitments in the Convention. Other more technical issues (such as the translation of the Convention and its examination by linguistic advisers and the appropriate ministers) would also have to be discussed. All the documents mentioned, and an explanatory memorandum, will then be transmitted to the Ministry of Foreign Affairs, which will conduct a final review and forward the package to the Council of Ministers. After approval, the Office of the Secretary-General of the Government will forward the Convention to the General Council (Parliament) for approval. Following approval, the *Síndic General* (speaker of parliament) will transmit the Convention to the two Co-Princes so that they can give the State's assent and order its publication in the *Official Gazette* of the Principality of Andorra. The instrument of ratification, together with a translation, will then be deposited with the Council of Europe.

Subparagraph 2 (c)

Please clarify whether Andorra could refuse asylum to persons suspected of terrorist links outside Andorra.

The procedure for a person seeking asylum in Andorra is to submit an immigration application, in order to be legally resident in the country. The application must be submitted to the Immigration Service (under the Decree regulating the Immigration Service of 15 February 1996, article 1). The application may, however, be denied by virtue of the Basic Decree on Immigration of 26 June 1980 (paragraph III.7), which provides for a review of the applicant's files, which might justify refusal of an immigration authorization.

In this connection, the police services (under article 3 (c) and (d) of the Decree regulating the Immigration Service) have the power to inspect the court and police files of aliens and the authenticity of the official documents in their possession, and in general to maintain law and order.

Accordingly, an immigration application from a person involved in financing, organizing, preparing or perpetrating terrorist acts would be denied if that person's file showed that to be the case. The person would then be invited, following on the denial of the immigration application, to leave Andorra within a short period of time. Where necessary, an order would be issued for expulsion and for escort to the frontier, under article 14.2 of the Chief Magistrate's Decree of 3 July 1980 governing places of residence of aliens.

On 14 May 2002, however, the General Council adopted a new immigration law which will enter into force 90 days after its publication in the *Official Gazette* of the Principality of Andorra. This law establishes certain personal criteria to be considered at the time of granting an immigration authorization: inter alia, article 42 establishes that a person who submits an immigration application must not pose any danger to the security of the State or of persons or property, or to law and order, and article 47 provides for refusing authorization in cases where documents or information have been falsified or withheld. (The same criteria would apply to residents who wish to renew their immigration authorizations.)

Subparagraph 2 (d)

Could Andorra please clarify whether article 4 of the Penal Code, referred to in the report, covers persons living in Andorra but aiding, abetting or committing acts of terrorism elsewhere.

The first chapter of volume 1 of the Penal Code defines the scope of penal law.

According to articles 2, 3 and 4 of the Penal Code, penal provisions apply to:

- All crimes and misdemeanours committed on the territory of the Principality;
- Crimes initiated, planned or committed abroad which produce or aim to produce effects on Andorran territory;
- Crimes initiated, planned or committed on Andorran territory which produce or aim to produce effects abroad;

- Crimes committed abroad by Andorrans or by aliens against the security of the Principality, its institutions or its authorities, and offences involving falsification of official Andorran documents, currency or seals;
- Crimes committed by Andorrans in a foreign country, provided all the following conditions are met:
    (a) The accused is present in Andorran territory;
    (b) The accused has not been tried in the country in which he or she committed the offence;
    (c) The offence of which he or she is accused is a crime also in the country in which it was committed;
- Crimes committed abroad which extend into Andorra shall be punished in accordance with the Penal Code. Andorran courts shall also have the power to judge complex crimes where any one of the constituent elements of the crime was perpetrated in the territory of the Principality.

In the case of persons residing in the Principality who aid, conceal or commit terrorist acts outside the country, at least one element of the complex crime must have been committed in Andorra.

Otherwise, the accused may be tried by Andorran courts if he or she is Andorran; if the accused is an alien, he or she may be extradited if a request to that effect is addressed to the Andorran courts.

Subparagraph 2 (g)

Could Andorra please provide the CTC with information on the mechanism for inter-agency cooperation between the authorities responsible for narcotics control, financial tracking and security with particular regard to the border controls preventing the movement of terrorists.

The authorities responsible for narcotics control and security and for border controls work within the same department. Their functions are thus coordinated by the same administrative authorities. In this case, it is the chief of police who coordinates such activities.

As to the authorities responsible for financial tracking, one of the three members of the Unit for the Prevention of Money-Laundering is a police officer who oversees relations and contacts with the different levels of the police department.

Because of its geographical characteristics, Andorra has no air access of its own. Furthermore, Andorra is situated in the middle of the Pyrenees, making maritime access impossible.

As a result, the only access to Andorra is by land through two single entry passages: in the north, the Franco-Andorran frontier, in the south, the Hispano-Andorran frontier. This means that individuals who arrive in Andorra have first passed through the entry and exit controls of our neighbouring countries.

Even so, Andorran police officers verify once again that the individuals are in possession of the necessary travel documents — a passport, for example — and even that they have sufficient resources to permit a stay in Andorra.

Still, since the attacks of 11 September, the Andorran police, made more aware by the events that shocked the whole world, reinforced their border controls so as to detect the entry of possible terrorists into Andorra.

Furthermore, the members of the police force, in cooperation with the Spanish and French police, have taken training courses so that they can more easily detect whether documents have been tampered with. In any case, when in doubt, Andorran police officers check with the operational information units for clarification.

Andorra does not have its own legislation governing visas. Nevertheless, in December 2000, the Principality signed a convention with France and Spain concerning the movement and stay of third-country nationals in Andorra, article 2 of which provides that "the Contracting Parties undertake to coordinate their legislation on the entry and stay of third-party nationals, taking into particular account their respective interests and their international commitments. To that end, the Contracting Parties shall regularly provide each other with the list of third States whose nationals are subject to a visa requirement for a transit or a stay of less than 90 days".

Subparagraph 3 (c)

The report mentions, in relation to subparagraph 2 (b), that the Unit for the Prevention of Money-Laundering is empowered to cooperate with similar agencies in other countries. Please provide a list of the bilateral arrangements to which Andorra is party, other than those mentioned in relation to subparagraph 3 (c), for the exchange of information on terrorists.

A comment should be made in this connection. The Unit for the Prevention of Money-Laundering does have the authority to cooperate with similar agencies in other countries with regard to the financing of terrorism. Thus far, the Unit has signed bilateral arrangements with France (TRACFIN), Spain (SEPBLAC) and, on 10 July 2002, with Belgium (CTIF-CFI). In addition, the Unit is currently negotiating the signing of other bilateral arrangements with Panama, Bolivia, the Netherlands Antilles, Poland and the United States of America. Lastly, the Unit became a member of the Egmont Group of Financial Intelligence Units of the World on 5 June 2002. In any case, as stipulated in articles 55 and 56 of the Act on International Penal Cooperation and against the Laundering of Money or Securities Resulting from International Crime, cooperation with other similar foreign agencies does not require the existence of written agreements.

As article 55 states:

"The Unit for the Prevention of Money-Laundering referred to in the previous articles shall cooperate with other similar foreign agencies."

As article 56 states:

"The transmission of information concerning operations or projected operations relating to money-laundering and international crime, and of extracts from court files, to other similar foreign agencies may be done by the Unit for the Prevention of Money-Laundering on its own initiative or at the request of such agencies, but shall always require the authorization of the chief administrative officer of the Unit and shall be subject to certification, in

advance of transmission, by the party receiving the information that it meets the following conditions:

"(a) Reciprocity in the exchange of information;

"(b) An undertaking on the part of the receiving State that it will not use the information for purposes other than those covered by this Act;

"(c) The obligation, on the part of the foreign agencies receiving the information, to maintain professional secrecy under pain of criminal prosecution."

That being the case, the sharing of information on perpetrators of terrorist acts must be done through the Andorran police. There is mutual cooperation between the police force and the police services of other States, who exchange information rapidly and spontaneously, without any need for bilateral agreements, or through Interpol. Nevertheless, two protocols on police cooperation with the Spanish authorities have been concluded.

Subparagraphs 3 (d) and (e)

Could Andorra please indicate its intentions with regard to the ratification and implementation of those of the relevant international conventions and protocols relating to terrorism that it has not yet ratified.

The Principality's intentions with regard to the ratification and implementation of the relevant international conventions and protocols are to fulfil the commitments it undertook when it signed the conventions. Accordingly, Andorra is currently preparing the necessary studies so as to be able to proceed with the relevant ratifications as soon as possible. Since 1993, the year in which the Constitution was adopted, Andorra has signed and ratified close to 80 conventions and it is in the process of considering another 50 or so. It has therefore made a considerable effort and hopes to continue doing so.

Paragraph 4

Has Andorra addressed any of the concerns expressed in paragraph 4 of the resolution?

The Principality of Andorra is tackling the issue of safeguarding international peace and security in two different ways. First through international cooperation. Since the Constitution was adopted on 14 March 1993, the Principality has pursued an international policy based on upholding mutual respect, coexistence and peace as stated in the preamble to the Constitution. Andorra agrees that threats to international peace and security stemming from acts of terrorism must be countered by all possible means, in accordance with the Charter of the United Nations.

The close link between international terrorism and transnational organized crime, illicit drugs, money-laundering, arms trafficking and the illegal movement of nuclear, chemical, biological and other materials poses a danger to the achievement of a world that is free and at peace.

In the first report, which it submitted to the Counter-Terrorism Committee last December, and again in this new report, Andorra lists the international Conventions relating to efforts to counter international terrorism and transnational organized

crime that are applicable in the Principality. Other areas such as the illicit transfer of nuclear, chemical and biological materials should also be mentioned.

Andorra's wish, as can be confirmed by the fact that Andorra has been free of weapons and wars for more than 700 years, is to participate jointly with other countries in the efforts to keep the world free of nuclear, chemical and biological weapons. On 29 June 1998, Andorra ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction and, in June and July 1996, it ratified the Treaty on the Non-Proliferation of Nuclear Weapons. In addition, on 24 September 1996, it signed the Comprehensive Nuclear-Test-Ban Treaty and, on 9 January 2001, it entered into an agreement with the International Atomic Energy Agency for the application of safeguards within the context of the Treaty on the Non-Proliferation of Nuclear Weapons.

Recently, on 31 July 2002, the Government voted at a meeting of the Council of Ministers, to accede to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction; it hopes that the accession procedure will be completed in time for the Conference of States Parties in October 2002 or shortly thereafter.

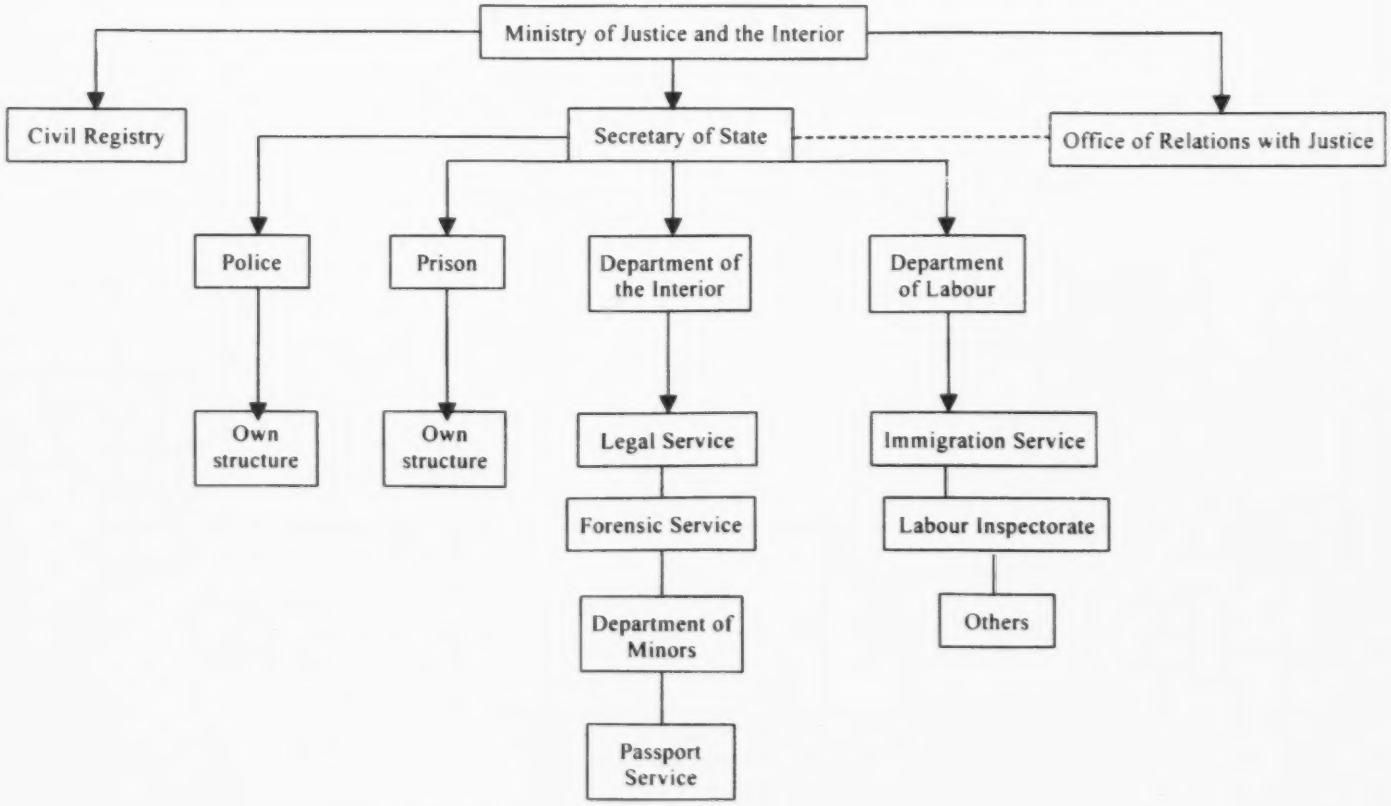
Responsibility for coordinating at the national level policies relating to efforts to counter terrorism lies with the Government. Andorra is a small country covering an area of 468 square kilometres, which is divided into seven *Parròquies* that are represented and administered by *Comuns*, public authorities having legal personality and the power to enact local regulations, which are subject to the law. Within their spheres of competence, which they exercise in accordance with the Constitution, the law and tradition, they act in accordance with the principle of free administration recognized and guaranteed by the Constitution. However, they are not responsible for matters that have to do with the police and security; these are the prerogatives of the national Government.

Other matters

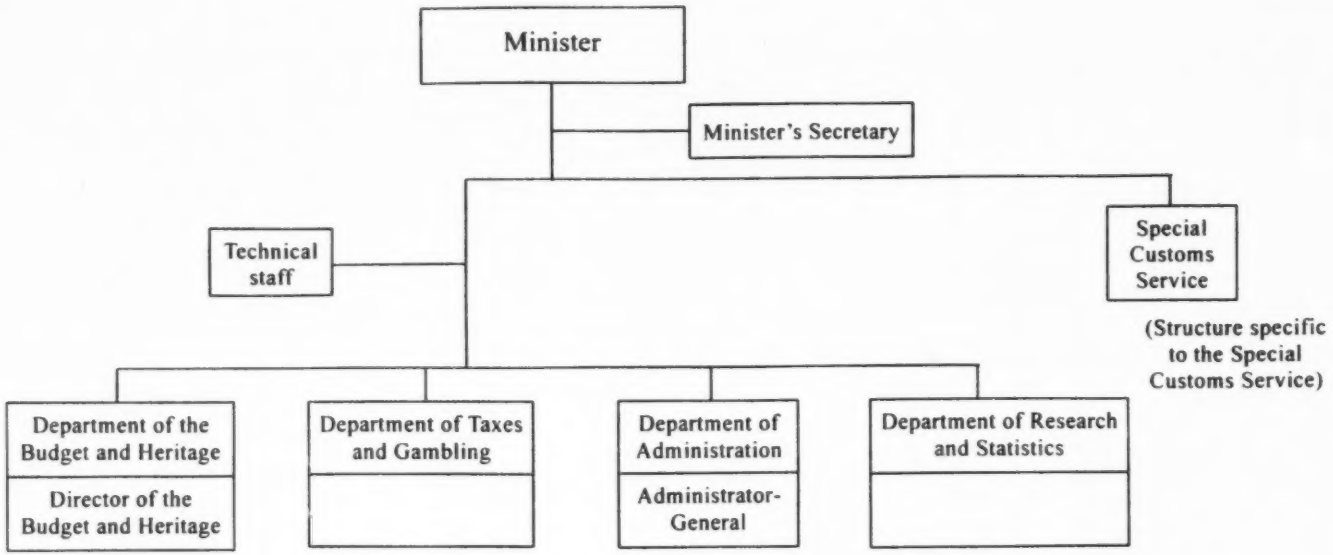
Could Andorra please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

The organizational charts requested are annexed to this report. The first is the organizational chart of the Ministry of Justice and the Interior, which includes the Police, Prison and Immigration Services. The second is the organizational chart of the Ministry of Finance, which includes, inter alia, the Special Customs Service and the Department of Taxes and Gambling. Then there is the organizational chart of the Andorran National Institute of Finance, which is responsible for financial oversight. Then there is the organizational chart of the Ministry of Economic Affairs which includes the Department of Trade, the Department of Industrial Security and the Department of Transport and Energy. Lastly, the organizational chart of the Ministry of Foreign Affairs might be helpful for understanding how the Principality of Andorra conducts its international relations.

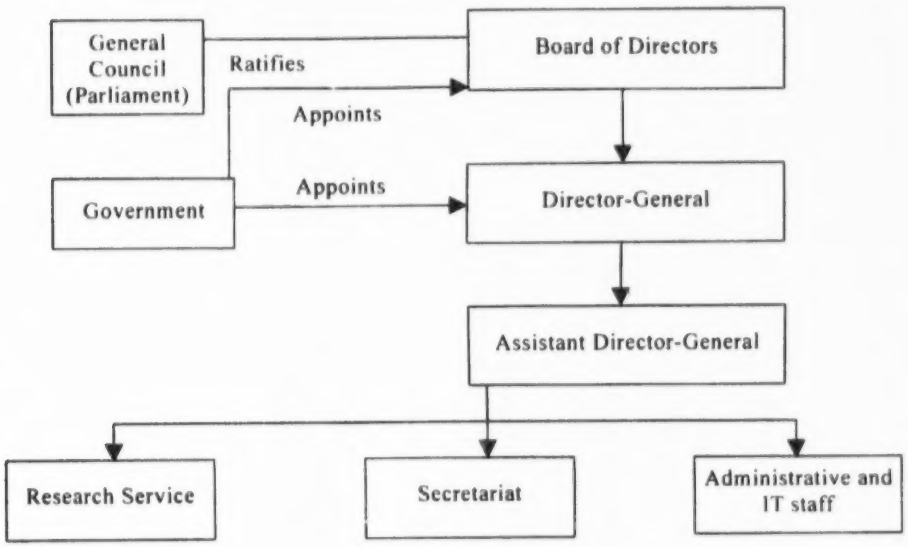
Organizational chart of the Ministry of Justice and the Interior



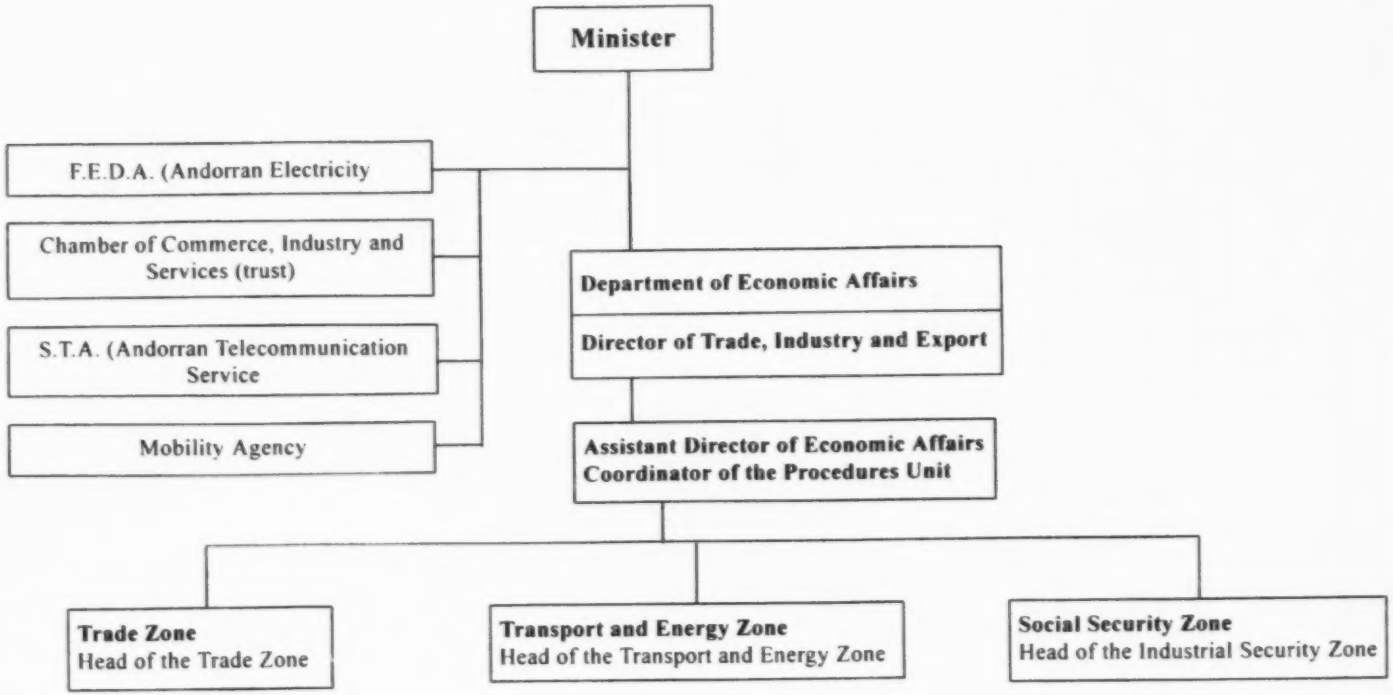
Organizational chart of the Ministry of Finance



Organizational chart of the Regulatory Authority — the Andorran National Financial Institute (INAF)



Organizational chart of the Ministry of Economic Affairs


Minister
F.E.D.A. (Andorran Electricity
Chamber of Commerce, Industry and Services (trust)
S.T.A. (Andorran Telecommunication Service
Mobility Agency
Department of Economic Affairs
Director of Trade, Industry and Export
Assistant Director of Economic Affairs
Coordinator of the Procedures Unit
Trade Zone
Head of the Trade Zone
Transport and Energy Zone
Head of the Transport and Energy Zone
Social Security Zone
Head of the Industrial Security Zone

Organizational Chart of the Ministry of Foreign Affairs